

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6696 OF 2005.

Association of Engineering
Workers.

... Petitioner.

V/s.

Permanent Magnets Ltd.

... Respondent.

N.M.Ganguli for the petitioner.

S.M.Naik for the respondent.

CORAM: V.C.DAGA, J.

DATED: 6th December 2005.

P.C.:

. Heard learned counsel for the petitioner.

2. A reference was made to the Labour Court

under section 10(1) and 12(5) of the Industrial
Disputes Act, 1947 for adjudication of dispute
between the respondent and three workmen as to
whether the said workmen were entitled for
reinstatement with full back wages and continuity
of service with effect from 10th October, 1992.
By the impugned order the First Labour Court,
Mumbai rejected the said reference holding that
those workers were temporary workers. They did
not complete 240 days in any of the preceding 12
months of their employment.

3. It is not in dispute that all these

workers were terminated in the year 1991-92,

whereas the reference has been made in the year 1997. During this period they were not employed by the respondent company. None of them completed 240 days service in any of the preceding 12 months.

4. In the above circumstances, no fault can be found with the view taken by the Labour Court while rejecting the reference. The view taken is a reasonable and possible view. Impugned order cannot be said to be perverse order. No case is made out to interfere with the impugned order.

5. In the result, petition is dismissed in limine with no order as to costs.

(V.C.DAGA, J.)